

FREDERICK COUNTY PLANNING COMMISSION September 12, 2012

NOTE: This staff report is contingent upon the execution of a Settlement Agreement between Frall and the County. If the Settlement Agreement is not signed prior to September 12, 2012, then this item will be postponed.

TITLE: Manorwood Residential Cluster, Lots 95-

107.

FILE NUMBER: S-919B, AP 12427 (APFO 12428)

REQUEST: Residential Cluster Preliminary Plan

Reapproval

The Applicant is requesting approval for 13 Residential

Cluster lots (previously approved in 1994).

PROJECT INFORMATION:

ADDRESS/LOCATION: Located along Turf Court North, off Manor Drive South.

TAX MAP/PARCEL: Map 98, Parcel 149 COMP. PLAN: Low Density Residential

ZONING: R-1 Residential PLANNING REGION: New Market WATER/SEWER: W-1, S-1

APPLICANT/REPRESENTATIVES: [as applicable]

APPLICANT: P.S.R.P, Inc OWNER: P.S.R.P, Inc

SURVEYOR/ENGINEER: Vanmar Assoc.

ARCHITECT: N/A ATTORNEY: N/A

STAFF: Mike Wilkins

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

EXHIBIT 1- Preliminary Plan

STAFF REPORT

ISSUE

The Applicant is requesting preliminary plan approval for 13 residential cluster lots 4.47 on a 22.82-acre site.

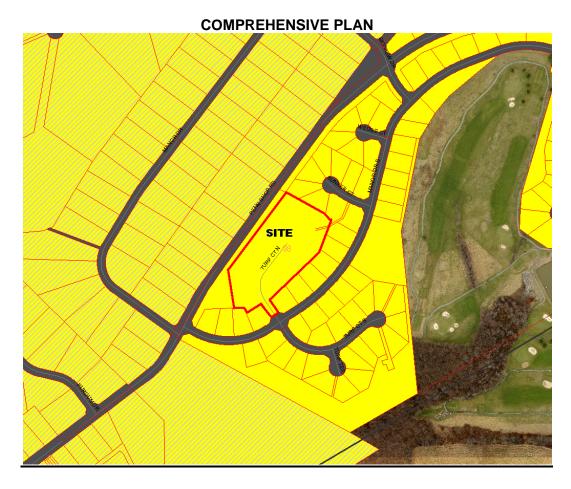
BACKGROUND

The Manorwood residential cluster subdivision received preliminary plan approval for 148 lots in 1994. All of the lots, saving the 13 lots subject to this preliminary plan, were recorded and have been developed. The 13 lots that are subject to this review were not recorded due to inadequate water and sewer capacity, and the 1994 preliminary plan expired. A Settlement Agreement between the Applicant and the Board of County Commissioners dated _______, 2012 has resolved the water and sewer capacity issues.

The current application is being reviewed as a Cluster Development under 1-19-10.100 of the Zoning Ordinance.

Existing Site Characteristics

The 4.47 acre site is unforested open ground. The site is surrounded by residential lots that were approved and recorded per the 1994 preliminary plan.





1. Purpose §1-19-10.100: The purpose of cluster development is to provide a method of development that permits variation in lot sizes without an increase in the overall density of population; that allows home buyers a choice of lot sizes according to their needs; that preserves green space, tree cover, scenic vistas, natural drainage ways, or preserves features of outstanding national topography; in order to prevent soil erosion and provide green areas for rest and recreation.

The Manorwood development provides reduced lot sizes without increasing the overall density. The average lot size of the 148 lots is 16,570 square feet. The 13 lots proposed on this preliminary plan are all 15,000 square feet. The Manorwood development provides 77.80 acres of open space.

2. Districts Where Permitted §1-19-10.100.2: In all R Districts, the Planning Commission in approving subdivision plats, may permit modifications in lot area, lot width, yards (building restriction areas) including zero lot lines, or other requirements. Use regulations are governed by the zoning district in which the development is located. Cluster development is not permitted unless public water and public sewer are provided.

The Applicant is seeking reapproval of the permitted modifications in lot area, as the proposed lots do not meet the typical 40,000 square foot lot size requirement for the R-1 zoning district. The Applicant is also seeking approval of the permitted modification to the front building restriction line (BRL), which is typically 40 feet. The Applicant is proposing a 25 foot front BRL for lots 95-100 and 104-107, and a 60 foot front BRL for lots 101-103. The 25 foot front BRL is consistent with

the previously recorded lots in this development, and the 60 foot BRL for the cul-de-sac lots will provide a more uniform front BRL than can be obtained by placing a 25 foot BRL at the point where each of these lots meet the minimum lot width requirement. Public water and sewer will service the site.

- 3. Density Determination and Design Requirements §1-19-10.100.3: The average dwelling unit density will be no greater than the permitted density for the district in which the units are located. For the purposes of this division, DENSITY means the maximum number of dwelling units which could be built on net developable land area in the zoning district. Net developable land is that land remaining after flooding soils areas and rights-of-way for principal highways have been deducted from the gross site area.
 - The net developable area of the Manorwood development is 148.90 acres, which permits a density of 148 lots under the standard R-1 dimensional requirements. The proposed 13 lots will bring the total number of lots in this development to 148.
- **4. Green Area Space Requirements §1-19-10.100.4:** Reduction of individual lot areas will be reserved as green area. The county may accept the conveyance of the green areas or it shall be conveyed to a nonprofit home[owner]s association.

The Manorwood development provides 77.80 acres of open space, which includes a 55.48 acre golf course.

Cluster Development Regulations Findings/Conclusions

The proposed subdivision meets all cluster development regulations.

B. <u>SUBDIVISION REGULATION REQUIREMENTS</u>

1. Land Requirements §1-16-217 (A): The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.

The proposed land use and subdivision design complies with the Comprehensive Plan and meets Zoning Ordinance requirements.

2. Land Requirements §1-16-217 (B): The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The 4.47 acre site does not contain unique topography, soils, wooded areas, or water bodies. The 13 proposed lots were designed as part of the surrounding developed lots.

Subdivision Regulation Requirements Findings/Conclusions

The proposed subdivision meets these Subdivision Regulations.

C. ACCESS

1. Public Facilities §1-16-12 (B)(3)(b): For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.

The lots will access Turf Court North, a 600 foot +/- long cul-de-sac that was dedicated to public use by a previously recorded plat (PB62 PG 164) and was constructed with a 22 foot wide paved surface under

previously approved plans. The Applicant will be providing a 5 foot wide sidewalk along the north/west side of the cul-de-sac. A previously platted HOA open space (PG 62 PG 163) that is situated between lots 103 and 104 will provide the potential for a pedestrian connection to the adjoining Bunker Court cul-de-sac. Note: This connection is currently blocked by a homeowner on Bunker Court and the HOA should enforce this existing open space pathway to assure its proper use.

Access Findings/Conclusions

The proposed lots meet all County access requirements.

D. WATER AND SEWER FACILITIES

1. Public Facilities §1-16-12 (C): The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.

The property has a water and sewer classification of W-1, S-1 and must utilize public facilities. Water service will be provided by the Samhill WTP. Sewer service will be provided by the Mill Bottom WWTP.

E. OTHER APPLICABLE REGULATIONS

Stormwater Management – Chapter §1-15.2: SWM for the construction of the cul-de-sac was addressed as part of the previously approved and developed portion of the subdivision. The SWM requirements for the lot areas will be addressed at the time each lot is developed.

APFO – Chapter §1-20: This subdivision is subject to APFO schools, roads, public water, and public sewer. The following areas are addressed in the Settlement Agreement between the Applicant and the County, and will also be included in an APFO Letter of Understanding (LOU) to be signed by the Applicant and the Planning Commission as a condition of approval of this preliminary plan.

- 1. Schools. The Project will generate 4 elementary school students, 3 middle school students and 3 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test fails at Windsor Middle and Urbana high schools. Because the current enrollment in the schools that will serve the new lot is not greater than 120% of capacity, the Developer is eligible and has chosen the option to mitigate the school inadequacy by paying the School Construction Fees under Section 1-20-62 of the APFO. The School Construction Fee shall be paid prior to plat recordation based on the specific fees required by Section 1-20-62(E) at the time of plat recordation.
- 2. Public Water/Sewer. Based on the terms of the Settlement Agreement, the DUSWM has confirmed that there will be sufficient water and sewer capacity available in the Sam Hill Water Treatment Plant and Mill Bottom Wastewater Treatment Plant to allow for the completion of the Manorwood subdivision comprising thirteen EDUs.
- 3. Roads. The Project will generate 10 am and 13 pm weekday peak hour trips, which does not meet the requisite 50 peak hour trip threshold required for APFO testing. However, the Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H). To satisfy this requirement, the developer would pay its proportionate contribution to existing escrow account No. 3309: Bartholows Road/Old National Pike Signal; the estimated inflated cost of this Road Improvement is \$110,500 and the developer's proportionate share of this Road Improvement is 1.0%. Therefore, prior to plat recordation, the Developer would be required to contribute \$1,105 to the escrow account for this signal improvement. Should this payment not be made within one year of the execution of the LOU,

the County could adjust this amount, based on an engineering cost index. **There is no current or proposed public transit service to the subdivision.**

Forest Resource Ordinance - Chapter §1-21: FRO requirements were mitigated as part of the previously approved and developed portion of the subdivision.

Summary of Agency Comments

Other Agency or Ordinance	Comment
Requirements	
Development Review	Conditionally Approved. SWM requirements to be determined at
Engineering (DRE):	the time each lot is developed.
Development Review	Hold. Must meet all agency and FcPc comments and conditions.
Planning:	
State Highway	N/A
Administration (SHA):	
Div. of Utilities and Solid	Approved based on Settlement Agreement.
Waste Mngt. (DUSWM):	
Health Dept.	Approved.
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the preliminary plan.

Based upon the Settlement Agreement and the findings and conclusions as presented in the staff report the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements. If the Planning Commission conditionally approves the subdivision, the preliminary plan and APFO approvals are valid until September 12, 2015.

Should the FcPc grant approval of this preliminary plan application (S-919B, AP 12427) and APFO (AP 12428), Staff recommends that the following items be added as conditions to the approval:

- 1. The Applicant shall comply with all Staff and agency comments through the completion of the project.
- 2. The Applicant shall execute an APFO LOU consistent with this staff report and the terms of the Settlement Agreement.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission APPROVE S-919B (AP 12427) with conditions as listed in the staff report, including APFO approval, for the residential cluster preliminary plan based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.